

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)****DOCKET NUMBER:
FERN-P003**

First named inventor: FERNANDEZ, et al

Application No.: 09/095,390

Group Art Unit: 2611

Filed: 06/10/1998

Examiner: Miller, J.

Title: **DIGITAL TELEVISION WITH SUBSCRIBER CONFERENCE OVERLAY**

Attention: Office of Petitions
Commissioner of Patents
US Patent and trademark Office
Box DAC
Washington, D.C. 20231

Sir:

**DRAFT COPY
FILED**

**FAX RECEIVED
OCT - 5 2001
PETITIONS OFFICE**

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition Fee

- ☒ Small entity-fee \$ 620.00 check No. 755 (37 CFR 1.17(m)). Applicant claims small entity status.
- ☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of _____

(identify type of reply):

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

B. The issue fee of \$ 620.00

- ☐ has been paid previously on _____
- ☒ is enclosed herewith: check No. 756

3. Terminal disclaimer with disclaimer fee

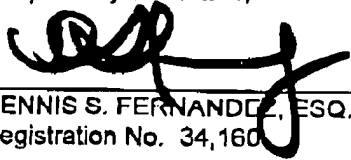
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

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4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. (enclose "A")

In view of the above, it is respectfully requested to revive and issue the above-identified patent application.

Respectfully submitted,


DENNIS S. FERNANDEZ, ESQ.
Registration No. 34,160

9/17/2001
Date

Please direct all correspondence concerning the above-identified application to the following address:

FERNANDEZ & ASSOCIATES, LLP
Patent Attorneys
PO Box D
Menlo Park, CA 94026-6204
Phone: (650) 325-4999
Fax: (650) 325-1203
iploft@iploft.com



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PATENT TRADEMARK OFFICE

- Enclosures: ☒ Fee Payment
☒ Reply/ Issue fee payment
☐ Terminal Disclaimer Form
☒ Additional sheets containing statements establishing unintentional delay (enclose "A")
☒ Others: Change of Address Form (enclose "B")
☒ Copy of Power to inspect and copy dated 8/24/2001 (enclose "C")
☒ Copy of Notice of Allowance and Issue Fee due (enclose "D")
☒ Copy of Patent screens from our database (encloses "E" and "F")
☒ Copy of our manual log of USPTO received correspondence (enclose "G")
☒ Copy of amendment and notice of appeal transmittal letters (enclose "H")

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail (certified mail NO. 7001 1140 0002 4995 9062) in an envelope addressed to:
Commissioner for Patents, Box DAC, Washington, D.C. 20231.

- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

9/17/2001
Date


Signature

Maritza Kidd

Type or printed name of person signing certificate

A

**STATEMENT ESTABLISHING UNINTENTIONAL DELAY
UNDER 37 CFR 1.137(B)**Docket Number
FERN-P003Inventors: FERNANDEZ *et al.*

Serial No.: 09/095,390

Group Art Unit: 2611

Filed: 06/10/1998

Examiner: MILLER, J.

Title: **DIGITAL TELEVISION WITH SUBSCRIBER CONFERENCE OVERLAY**

Attention: Office of Petitions
Commissioner of Patents
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Box DAC
Washington, D.C. 20231

FAX RECEIVED**OCT - 5 2001****PETITIONS OFFICE****DRAFT
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Sir:

The above-identified application became abandoned for failure to pay Issue Fee due on 6/13/01. The entire delay in submitting the required issue fee payment was *unintentional*. The practitioner hereby attests to the fact that a search of the file jacket and docket records indicate that a Notice of Allowance and Issue Fee Due was never received.

Practitioner is aware of abandonment of patent application after calling the USPTO for status on August 22, 2001, and receiving copies of the file wrapper on August 30, 2001 (Power to inspect and copy enclosed "C"). Notice of Allowance and Issue Fee Due was mailed to Practitioners' old address. (enclose "D")

Our docket system is IP CTS Version 4.4.14 FlexTrac® and the practitioner hereby declares that FlexTrac screens cannot be modified; enclosed manual log of USPTO received correspondences have not been modified either. Copies of the docket screens and correspondence log, which are proof that the Notice of Allowance and Issue Fee Due was not received, are enclosed:

1. From our CTS backup: Patent screen of the above-identified application that shows serial number, filing date and title, with no reminder of issue fee payment due (last entry on 1/5/01) (enclose "E")
2. From our CTS backup: More Data screen of the above-identified application that does not show any entry in the Allowance/ Issue Fee box (last entry on 1/5/01, same as previous one) (enclose "F")
3. From our manual log of USPTO received correspondence: Copies of the manual log in consecutive pages (page 3 -35) that does not show any entry of FERN-P003 Notice of Allowance/ Issue Fee Due from 3/1/2001 through 7/5/2001 (enclose "G")

Practitioner had provided to the USPTO new address on several occasions (encloses "H"), however *unintentionally* did not state that an address change is being made.

In view of the above, the entire delay in submitting the required issue fee payment was *unintentional*, and it is respectfully requested to enter the enclosed change of correspondence address

Respectfully submitted,


DENNIS S. FERNANDEZ, ESQ.
Registration No. 34,160

9/17/2001
Date

Please direct all correspondence concerning the above-identified application to the following address:

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